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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,296	04/02/2001	Simon Jacobs	500743.01	4064

27076 7590 04/23/2007
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/825,296	JACOBS ET AL.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10-20,22-24,27-31,33-43 and 45-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10-20,22-24,27-31,33-43 and 45-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/13/06, 1/16/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed January 16, 2007. Claims 1, 6, 13, 24, 29, 36 and 47 have been amended. Claims 3 and 26 have been canceled. Claims 1, 4-8, 10-20, 22-24, 27-31, 33-43 and 45-50 are pending.
2. Applicant's arguments filed January 16, 2007 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 4-8, 10-13, 18-20, 22-24, 27-31, 33-36, 41-43 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesaint et al (USPN 6,578,005), in view of Powell et al (US 2001/0049619).

As per claim 1, Lesaint et al disclose a method for scheduling splittable work orders to provide customers with requested service (scheduling of a split task, column 14, lines 30-34) the method comprising: forming a list of appointment windows for days on which service may be performed (i.e., task appointed to a specific timeslot, column 21, lines 36-40), having an all day appointment window (i.e., tasks with a commitment time of 5pm, wherein the task can be completed at

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any time before the commitment time, i.e., all day window, column 17, lines 30-32 and column 21, lines 53-55), aggregate appointment windows (i.e., afternoon slot, column 22, lines 44-46), and basic appointment windows (i.e., specified timeslot, e.g., 8-10:30 am, column 17, lines 16-17 and column 21, lines 36-37), at least a portion of basic appointment windows grouped into aggregate appointment windows (i.e., windows finishing at certain times designated morning or afternoon windows, thus grouped, column 22, lines 42-46), and aggregate appointment windows and remaining basic appointment windows grouped into the all day appointment window (i.e., aggregate windows are necessarily grouped into an all day appointment window, wherein morning and afternoon appointments equate to an all day appointment with no remaining basic appointment windows, column 21, lines 53-55 and column 22, lines 42-46); identifying a request for service from a customer as being a splittable work order (i.e., if task could overrun an overtime limit, then task is only -scheduled if it can be split, column 14, lines 30-34); assigning to the splittable work order a job duration (i.e., tasks having a duration greater than a predetermined value, column 12, lines 40-41) required to complete the order and a split time that is less than the job duration (i.e., task split with proportion of task completed before the end of overtime, column 14, lines 32-34); determining an appointment window on a first day during which a portion of the service to complete the work order may be scheduled, the appointment window being for the split time in duration (i.e., first part of the task is scheduled to be completed at the scheduled end of day, column 14, lines 34-36); and scheduling the splittable work order by assigning the work order to

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the determined appointment windows on the first day and subsequent day or days (i.e., pre-scheduler 30 schedules the split work order, column 14, lines 49-50).

Lesaint et al does not explicitly disclose dividing a service area into a number of work areas, assigning a field service representative to each work area where each field service representative has an associated skill level, and assigning at least one skill level to each work area; assigning a window hierarchy to each work area where each window hierarchy associated with at least one skill level assigned to the work area, and determining at least one appointment window on a subsequent day or days during which the remainder of the service to complete the work order may be scheduled.

Powell et al disclose dividing a service area into a number of work areas (i.e. geographical distribution of service orders by service order type, ¶ 0042), assigning a field service representative to each work area where each field service representative has an associated skill level (i.e., threshold parameters including the geographical distribution of the service technicians and the technician's skill set, ¶ 0054), assigning at least one skill level to each work area (i.e., geographic distribution of service requests includes at least one service technician, wherein the service technician has an associated skill set, ¶ 0054). In addition, Powell et al disclose assigning a window hierarchy to each area where each window hierarchy corresponds to a set of appointment windows that are defined as a function of the associated skills (i.e., service provider considers bands 20 of time windows, based upon technician skill level, ¶ 0041). Further, Powell et al discloses determining at

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least one appointment window on a subsequent day or days during which the remainder of the service to complete the work order may be scheduled (i.e., service provider provides the customer a set of days and time windows in which the service provider can optimally fulfill the order, ¶ 0045). Both Lesaint et al and Powell et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining at least one appointment window on a subsequent day in Lesaint et al, as seen in Powell et al, thereby making the specified time window as narrow and accurate as possible, thus providing greater customer service (see Powell et al, ¶ 0034).

As per claim 4, Lesaint et al disclose determining whether a booking pattern (i.e., technician tour) is associated with the order (i.e., scheduling of tasks within the technician tour, column 10, lines 26-29) and determining appointment windows as a function of any associated booking patterns (i.e., pre-scheduler 30 positions next available time in each technician's tour, column 10, lines 33-37).

As per claim 5, Lesaint et al disclose each booking pattern specifies particular days and times on such days during which service may be performed (i.e., technician tour, defining times tasks may be scheduled, column 10, lines 26-30).

As per claim 6, Lesaint et al disclose a method for scheduling splittable work orders to provide customers with requested service (scheduling of a split task, column 14, lines 30-34), the method comprising: identifying a received request for service from a customer as being a splittable work order having a job duration

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required to complete the splittable work order over a plurality of different days (i.e., a task is split into one or more sub-tasks, wherein the one or more sub-tasks can necessarily be scheduled over a plurality of days, column 24, lines 1-6) and a split time that is less than the job duration (i.e., if task could overrun an overtime limit, then task is only scheduled if it can be split, column 14, lines 30-34), requesting an appointment in a specific appointment window on a first day in response to the received customer request, the appointment window being for the split time (i.e., first part of the task is scheduled to be completed at the scheduled end of day, column 14, lines 34-36); validating the requested appointment against a number of scheduling constraints and against projected service resources for that window on the first day (i.e., limits are input into the pre-scheduler 30, including scheduled overtime, planned flextime, and other permitted variations, column 14, lines 24-28); scheduling the appointment in the specific appointment window on the first day when the validation indicates the appointment can be scheduled given the scheduling constraints and projected service resources (i.e., splittable task scheduled, with the proportion of the task that can be completed before the end of overtime, column 14, lines 30-34); scheduling the appointment in the specific appointment window on the subsequent day or days when the validation indicates the appointment can be scheduled given the scheduling constraints and projected service resources (i.e., pre-scheduler 30 schedules the split work order, column 14, lines 49-50).

Lesaint et al does not explicitly disclose dividing a service area into a number of work areas, assigning a field service representative to each work area where each

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field service representative has an associated skill level, assigning at least one skill level to each work area; assigning a window hierarchy to each work area where each window hierarchy corresponds to a set of appointment windows and associated with at least one skill level assigned to the work area, receiving customer requests from customers desiring service; requesting an appointment in a specific appointment window on a subsequent day or days during which the remainder of the splittable work order may be scheduled; validating the requested appointment against the number of scheduling constraints and against projected service resources for that window on the subsequent day or days; and advising the customer of the scheduled appointment.

Powell et al disclose dividing a service area into a number of work areas (i.e. geographical distribution of service orders by service order type, ¶ 0042), assigning a field service representative to each work area where each field service representative has an associated skill level (i.e., threshold parameters including the geographical distribution of the service technicians and the technician's skill set, ¶ 0054), assigning at least one skill level to each work area (i.e., geographic distribution of service requests includes at least one service technician, wherein the service technician has an associated skill set, ¶ 0054). In addition, Powell et al disclose assigning a window hierarchy to each area where each window hierarchy corresponds to a set of appointment windows that are defined as a function of the associated skills (i.e., service provider considers bands 20 of time windows, based upon technician skill level, ¶ 0041). Further, Powell et al disclose receiving customer

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requests from customers desiring service (i.e., customer contacts the service provider, ¶ 0034); requesting an appointment in a specific appointment window on a subsequent day or days during which the remainder of the work order may be scheduled (i.e., customer may request a specific time, ¶ 0034); validating the requested appointment against the number of scheduling constraints and against projected service resources for that window on the subsequent day or days (i.e., scheduling constraints including required skills and geographic boundaries, ¶ 0036); and advising the customer of the scheduled appointment (i.e., service provider allocates time windows, ¶ 0035). Both Lesaint et al and Powell et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving customer requests; requesting an appointment in a specific appointment window on a subsequent day; validating the requested appointment against the number of scheduling constraints and against projected service resources for that window on the subsequent day or days; and advising the customer in Lesaint et al, as seen in Powell et al, thereby making the specified time window as narrow and accurate as possible, thus providing greater customer service (see Powell et al, ¶ 0034).

As per claim 7, Lesaint et al disclose booking patterns identifying allowable appointment windows during which appointments are permitted to be scheduled (i.e., scheduling of tasks within the technician tour that satisfy constraints from a given rule store 35, column 10, lines 26-29).

As per claim 8, Lesaint et al disclose projected resources of field service representatives on the requested day and during the requested window (i.e., pre-scheduler 30 attempts to schedule tasks to the technicians, column 13, lines 44-45).

As per claims 10 and 22, Lesaint et al disclose each window hierarchy comprises all day appointment windows (i.e., tasks with a commitment time of 5pm, column 17, lines 30-32), aggregate appointment windows (i.e., afternoon slot, column 22, lines 44-46), and basic appointment windows (i.e., specified timeslot, e.g., 8-10:30 am, column 17, lines 16-17 and column 21, lines 36-37 column 21, lines 36-37).

As per claim 11, Lesaint et al does not disclose receiving telephone calls by customer service representatives of the company providing the service. Powell et al disclose receiving telephone calls by customer service representatives of the company providing the service (i.e., customers contact the service provider via a call center, ¶ 0034). Both Lesaint et al and Powell et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving telephone calls by customer service representatives in Lesaint et al, as seen in Powell et al, thereby best understanding the customer's request for service (see Powell et al, ¶ 0034).

As per claims 12 and 23, Lesaint et al does not disclose advising the customer over the telephone as part of the same telephone call initially received by the customer service representative. Powell et al disclose advising the customer over the telephone as part of the same telephone call initially received by the customer service representative (i.e., the customer requests either a specific time or request

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that the service provider inform the customer of the time window, ¶ 0034). Both Lesaint et al and Powell et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving telephone calls by customer service representatives in Lesaint et al, as seen in Powell et al, thereby best understanding the customer's request for service (see Powell et al, ¶ 0034).

As per claim 13, Lesaint et al disclose a method for scheduling splittable work orders to provide customers with requested service (scheduling of a split task, column 14, lines 30-34), the method comprising: identifying a received request for service from a customer as being a splittable work order having a job duration required to complete the splittable work order over a plurality of different days (i.e., a task is split into one or more sub-tasks, wherein the one or more sub-tasks can necessarily be scheduled over a plurality of days, column 24, lines 1-6) and a split time that is less than the job duration (i.e., if task could overrun an overtime limit, then task is only scheduled if it can be split, column 14, lines 30-34), requesting an appointment in a specific appointment window on a first day in response to the received customer request, the appointment window being for the split time (i.e., first part of the task is scheduled to be completed at the scheduled end of day, column 14, lines 34-36); validating the requested appointment against a number of scheduling constraints and against projected service resources for that window on the first day (i.e., limits are input into the pre-scheduler 30, including scheduled overtime, planned flextime, and other permitted variations, column 14, lines 24-28);

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scheduling the appointment in the specific appointment window on the first day when the validation indicates the appointment can be scheduled given the scheduling constraints and projected service resources (i.e., splittable task scheduled, with the proportion of the task that can be completed before the end of overtime, column 14, lines 30-34); scheduling the appointment in the specific appointment window on the subsequent day or days when the validation indicates the appointment can be scheduled given the scheduling constraints and projected service resources (i.e., pre-scheduler 30 schedules the split work order, column 14, lines 49-50).

Lesaint et al does not explicitly disclose dividing a service area into a number of work areas, assigning a field service representative to each work area where each field service representative has an associated skill level, assigning at least one skill level to each work area; assigning a window hierarchy to each work area where each window hierarchy corresponds to a set of appointment windows and associated with at least one skill level assigned to the work area, receiving customer requests from customers desiring service, the requests being received by customer service representatives; requesting an appointment in a specific appointment window on a subsequent day or days during which the remainder of the work order may be scheduled; validating the requested appointment against the number of scheduling constraints and against projected service resources for that window on the subsequent day or days; and advising the customer of the scheduled appointment by the CSR and if either validation fails, providing the customer service representative with a set of alternate appointment windows over multiple days in

which the work order may be scheduled; and advising the customer of the alternative appointment windows.

Powell et al disclose dividing a service area into a number of work areas (i.e. geographical distribution of service orders by service order type, ¶ 0042), assigning a field service representative to each work area where each field service representative has an associated skill level (i.e., threshold parameters including the geographical distribution of the service technicians and the technician's skill set, ¶ 0054), assigning at least one skill level to each work area (i.e., geographic distribution of service requests includes at least one service technician, wherein the service technician has an associated skill set, ¶ 0054). In addition, Powell et al disclose assigning a window hierarchy to each area where each window hierarchy corresponds to a set of appointment windows that are defined as a function of the associated skills (i.e., service provider considers bands 20 of time windows, based upon technician skill level, ¶ 0041). Further, Powell et al disclose receiving customer requests from customers desiring service (i.e., customer contacts the service provider, ¶ 0034); requesting an appointment in a specific appointment window on a subsequent day or days during which the remainder of the work order may be scheduled (i.e., customer may request a specific time, ¶ 0034); validating the requested appointment against the number of scheduling constraints and against projected service resources for that window on the subsequent day or days (i.e., scheduling constraints including required skills and geographic boundaries, ¶ 0036); and advising the customer of the scheduled appointment (i.e., service provider

allocates time windows, ¶ 0035). Powell et al also discloses if either validation fails, providing the customer service representative with a set of alternate appointment windows over multiple days in which the work order may be scheduled (i.e., the service provider provides the customer a set of days and time windows in which the service provider can optimally fulfill the order, ¶ 0045); and advising the customer of the alternative appointment windows (i.e., customer selects from time windows available, ¶ 0045). Both Lesaint et al and Powell et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving customer requests; requesting an appointment in a specific appointment window on a subsequent day; validating the requested appointment against the number of scheduling constraints and against projected service resources for that window on the subsequent day or days; and advising the customer in Lesaint et al, as seen in Powell et al, thereby making the specified time window as narrow and accurate as possible, thus providing greater customer service (see Powell et al, ¶ 0034).

As per claim 18, Lesaint et al does not disclose the customer service representative requests a list of all available appointment windows into which the splittable work order may be scheduled when either validation failed, and the representative schedules the order into one of the available windows. Powell et al disclose the customer service representative requests a list of all available appointment windows into which the splittable work order may be scheduled (i.e., the service provider provides the customer a set of days and time windows in which

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the service provider can optimally fulfill the order, ¶ 0045) when either validation failed, and the representative schedules the order into one of the available windows (i.e., customer selects from time windows available, ¶ 0045). Both Lesaint et al and Powell et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the customer service representative requesting a list of all available appointment windows, and the representative schedules the order in Lesaint et al, as seen in Powell et al, thereby making the specified time window as narrow and accurate as possible, thus providing greater customer service (see Powell et al, ¶ 0034).

As per claim 19, Lesaint et al disclose the booking constraints comprise booking patterns identifying allowable appointment windows during which appointments are permitted to be scheduled (i.e., scheduling of tasks within the technician tour that satisfy constraints from a given rule store 35, column 10, lines 26-29).

As per claim 20, Lesaint et al disclose projected resources of field service representatives on the requested day and during the requested window (i.e., pre-scheduler 30 attempts to schedule tasks to the technicians, column 13, lines 44-45).

Claims 24, 27-31, 33-36, 41-43, 45 and 46 are rejected based upon the rejection of claims 1, 4-8, 10-13, 18-20, 22 and 23, since they are the computer-readable medium claims, corresponding to the method claims.

Claim 47 is rejected based upon the rejection of claim 1, since it is the system claim corresponding to the method claim.

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As per claim 48, Lesaint et al disclose requests initiated from the client computers and information about the scheduled work order are formulated into message packets adapted to be communicated over a communications network (i.e., system provides communication link C between computer X and handheld terminals H, column 7, lines 48-50).

As per claim 49, Lesaint et al disclose a system tables component containing booking constraints against which the requested orders are scheduled (i.e., rules 35, figure 3).

As per claim 50, Lesaint et al disclose the scheduling component includes a remote access component that provides a manager remote access to the scheduling component (i.e., technician contacts computer X with handheld terminal H via communication link C for scheduling instructions, column 7, lines 48-50).

5. Claims 14-17 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesaint et al (USPN 6,578,005), in view of Powell et al (US 2001/0049619), as applied to claim 13, in further view of Babayev et al (USPN 5,615,121).

As per claim 14, neither Lesaint et al nor Powell et al disclose informing the customer service representative of the reason either validation failed. Babayev et al disclose informing the customer service representative of the reason either validation failed (i.e., the customer preferred time interval cannot be accommodated due to previous customer request, column 4, lines 45-50). Lesaint et al, Powell et al,

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and Babayev et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include informing the CSR the reason the validation failed in Lesaint et al, as seen in Powell et al, thereby providing the customer with a explanation as to why the preferred time window is not available, thus improving customer service.

As per claim 15, neither Lesaint et al nor Powell et al disclose providing the customer service representative with an indication that the reason for the failure was the result of insufficient projected service resources. Babayev et al disclose providing the customer service representative with an indication that the reason for the failure was the result of insufficient projected service resources (i.e., the customer preferred time interval cannot be accommodated due to previous customer request, column 4, lines 45-50). Lesaint et al, Powell et al, and Babayev et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include informing the CSR the reason the validation failed in Lesaint et al, as seen in Powell et al, thereby providing the customer with a explanation as to why the preferred time window is not available, thus improving customer service.

As per claim 16, neither Lesaint et al nor Powell et al disclose providing the representative with the degree to which the requested appointment windows are overbooked. Babayev et al disclose providing the representative with the degree to which the requested appointment windows are overbooked (i.e., the customer

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preferred time interval cannot be accommodated because it is booked, due to previous customer request, column 4, lines 45-50). Lesaint et al, Powell et al, and Babayev et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the degree the requested appointment windows are overbooked in Lesaint et al, as seen in Powell et al, thereby providing the customer with a explanation as to why the preferred time window is not available, thus improving customer service.

As per claim 17, neither Lesaint et al nor Babayev et al disclose the customer service representative schedules the requested appointment in the alternative appointment windows or schedules the appointment in the originally requested windows using an override procedure. Powell et al disclose the customer service representative schedules the requested appointment in the alternative appointment windows (i.e., the service provider provides the customer a set of days and time windows in which the service provider can optimally fulfill the order, ¶ 0045). Lesaint et al, Powell et al, and Babayev et al are concerned with effective technician scheduling, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the CSR scheduling the requested appointment in the alternative window in Lesaint et al, as seen in Powell et al, thereby making the specified time window as narrow and accurate as possible, thus providing greater customer service (see Powell et al, ¶ 0034).

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Claims 37-40 are rejected based upon the rejection of claims 14-17, since they are the computer-readable medium claims, corresponding to the method claims.

Response to Arguments

6. In the Remarks, with respect to claims 1, 24 and 47, Applicant argues that neither Lesaint et al nor Powell disclose an appointment window relationship where basic appointment windows are grouped into aggregate appointment windows and aggregate appointment windows and remaining basic appointment windows are grouped into all day appointment windows. The Examiner respectfully disagrees and submits that Lesaint et al disclose an all day appointment window (i.e., tasks with a commitment time of 5pm, wherein the task can be completed at any time before the commitment time, i.e., all day window, column 17, lines 30-32 and column 21, lines 53-55), aggregate appointment windows (i.e., afternoon slot, column 22, lines 44-46), and basic appointment windows (i.e., specified timeslot, e.g., 8-10:30 am, column 17, lines 16-17 and column 21, lines 36-37), at least a portion of basic appointment windows grouped into aggregate appointment windows (i.e., windows finishing at certain times designated morning or afternoon windows, thus grouped, column 22, lines 42-46), and aggregate appointment windows and remaining basic appointment windows grouped into the all day appointment window (i.e., aggregate windows are necessarily grouped into an all day appointment window, wherein morning and afternoon appointments equate to an all day appointment with no

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remaining basic appointment windows, column 21, lines 53-55 and column 22, lines 42-46).

Applicant also reasserts, that one of ordinary skill in the art would have not been motivated to combine the teachings of Lesaint et al and Powell. The Examiner continues to respectfully disagree and recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Powell et al discloses making the specified time window as narrow and accurate as possible, in order to provide greater customer service (see Powell et al, ¶ 0034), thus indeed providing motivation to combine the two references.

Applicant also argues that unlike the task split in Lesaint, the splittable order recited in Applicant's claims is required to be split over a plurality of days. The Examiner submits that Lesaint discloses a task split into one or more sub-tasks, wherein the one or more sub-tasks can necessarily be scheduled over a plurality of days (column 24, lines 1-6), thus indeed disclosing the limitation.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

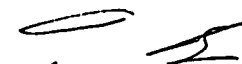
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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April 2, 2007


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